

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JERRY FRAZIER	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 10-1688
JEFFREY BEARD, <i>et al.</i>	:	

ORDER

AND NOW, this 27th day of May 2021, upon consideration of Petitioner Jerry Frazier's Motion for Relief from Judgment Under Fed. R. Civ. P. 60(b) (ECF No. 21), it is **ORDERED** as follows:

1. The Motion is **DISMISSED** for lack of subject matter jurisdiction without prejudice to Frazier's right to file with the United States Court of Appeals for the Third Circuit an application to file a second or successive habeas petition. *See* 28 U.S.C. § 2244(b)(3)(A).

2. A Certificate of Appealability is **DENIED** pursuant to 28 U.S.C. § 2253(c) because reasonable jurists would not debate the propriety of this Court's procedural ruling with respect to these claims. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

IT IS SO ORDERED.

BY THE COURT:

/s/ R. Barclay Surrick
R. BARCLAY SURRICK, J.